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June 20, 1996

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street  
Washington, D.C. 20554

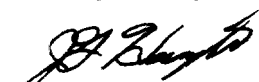
Re: MM Docket Nos. 93-48, ~~95-90~~ and 95-92  
NOTICE OF ORAL EX PARTE PRESENTATION

Dear Mr. Caton:

On behalf of our client Cox Enterprises, Inc. ("Cox"), I am submitting this notice of an oral *ex parte* presentation on this date regarding the above-referenced proceedings. Alexander Netchvolodoff and Alexandra Wilson of Cox met with Commissioner Rachelle Chong and Jane Mago of Commissioner Chong's office. During the meeting, Mr. Netchvolodoff and Ms. Wilson discussed issues relating to Cox's comments in Dockets 95-90 and 95-92. In addition, they provided Commissioner Chong and Ms. Mago with the attached materials concerning compliance with requirements for specific amounts of children's programming.

In accordance with the requirements Section 1.1206(a) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office, and copies are being provided to each of the Commission participants in the meeting.

Respectfully submitted,

  
J.G. Harrington

JGH/veh

cc (w/o attach.): Commissioner Rachelle B. Chong  
Jane Mago, Esq

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June 20, 1996

Cox Broadcasting, Inc.

**WAIVER PROPOSAL REGARDING CHILDREN'S TELEVISION  
PROGRAMMING OBLIGATIONS**

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**The Problem:** The Commission is assessing whether to require broadcasters to air three hours of children's programming a week during specific "safe harbor" time periods. A number of stations, however, may have difficulty fulfilling this requirement even though they are otherwise meeting the special needs of children in their audience.

For example, if the Commission were to start the safe harbor at 7 a.m. on weekends, a television station might be forced to preempt other publicly valuable programming (such as local news, religious programs, local sports or local public affairs programs) in order to "make room" for an additional hour of children's programming. Such a station might already air "FCC friendly" children's programs between 6 and 7 a.m. on Saturday, and it might have more children in the audience for that hour than it has at other times during the safe harbor period. Yet the proposal to start the children's television safe harbor at 7 a.m. would ignore the 6 a.m. hour of programming entirely, and would force the broadcaster to make a difficult decision about which other important programming it should preempt in order to accommodate the new FCC rule.

**The Solution:** In recognition of the fact that a "three hours a week/safe harbor" approach might not always best meet the needs of children in a particular community, the Commission should grant a television station -- at the beginning of its license period -- a waiver of the strict three hour minimum where the station demonstrates that it is serving the needs and interests of children through other specific efforts detailed in its waiver request. The station would then be required to implement its proposal throughout the license term in order to be given the same deference at license renewal as a station which airs three hours of children's programming during the safe harbor receives. A simple example of an acceptable waiver would be the station which demonstrates that it has more children in its audience during a time period outside the safe harbor when it carried "FCC friendly" programming than it has during a time period within the safe harbor. Other waivers could be granted where a station does not air three hours a week of children's programming but has undertaken some other significant non-programming effort that serves children's needs (e.g., sponsors a critical viewing project in the local schools).

Approving a station's waiver proposal at the beginning, rather than the end, of the license term would give the station much needed regulatory certainty and would also greatly simplify the renewal process, since the station would simply need to prove that it lived up to its proposal in order to have its renewal application processed quickly. The waiver approach also would give stations much-needed flexibility to develop a specific proposal that reflects the unique circumstances of their markets and is tailored to serve the special needs of children in their communities.